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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/560,380	04/28/2000	Vesa Tervo	460-009368-US (PAR)	3782

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EXAMINER

LEE, JOHN J

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 03/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/560,380

Applicant(s)

TERVO ET AL.

Examiner

John J Lee

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 January 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-55, 58 and 59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-55, 58 and 59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Arguments*

1. The Applicant's arguments and amendment received on January 14, 2002 have been carefully considered but they are not persuasive because they do not overcome the previous rejection. Thus, the finality of this Office Action is deemed proper.

The Examiner respectfully disagrees with Applicant's assertion Phillips does not teach the claimed invention "storing and informing at least one property of a wireless communication device (MS1-MS4) to a mobile communication network (PLMN)". Contrary to Applicant's assertion, the Examiner is of opinion that Phillips does not specifically disclose the limitation. Phillips teaches that if the terminal is not registered then the call attempt is refused (see column 4, lines 7 – 8), it is understood to one ordinary skill in the art for processing for information that during registration (informing), the mobile's operating protocols (one property or parameter) are stored in the home location register (see also column 3, lines 11 – 19 and abstract). More specifically, without informing the own protocol information during the registration period, the mobile communication network could not adapt to service mobile stations having different operating protocols. The home location register (HLR) cannot store all mobile station's information since the database is limited capacity. Hence, HLR stores only for registering mobile stations information. Therefore, although

Phillips does not specifically teach the a parameter or a property transmitting from the mobile terminal, it would have been apparent to know mobile station informed the information to network during registration.

Applicant also argues that Phillips fails to teach or suggest the claimed limitation "a parameter data/one property". Contrary to Applicant's assertion, Phillips teaches network establishes determining protocol by one of parameters or properties from transmitting mobile terminal (see above argument and column 3, lines 29 – column 4, lines 27).

### ***Claim Objections***

2. Claims 1, 27, 41, and 58 are objected to because of the following informalities: the claim limitation "for storing and informing at least one property of a wireless communication device (MS1-MS4) to a mobile communication network (PLMN)" being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention because the drawing (Fig. 1) teaches the PLMN is indicated a mobile telephone communication network including mobile stations. In view of the claimed limitation, the limitation could be interpreted that the mobile stations could be stored and informed their own information to themselves since the mobile station is part of PLMN. The Examiner is suggested that the limitation should be changed to "for storing and informing at least one property of a wireless communication device (MS1-MS4) to a mobile communication network (MSC)".

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. **Claims 1-4, 6, 13-29, 37-44, 47-55, 58-59** are rejected under 35

U.S.C. 102(e) as being anticipated by Phillips (US Patent number 6188898).

Regarding **claim 1**, Phillips discloses that a method for storing and informing at least one property of a wireless communication device (MS1-MS4) to a mobile communication network (MSC), characterized in that parameter data representing said at least one property of said wireless communication device (MS1-MS4) is stored in said wireless communication device (MS1-MS4), and transmitted from said wireless communication device (MS1-MS4) to the mobile communication network (PLMN) (column 1, lines 55 – column 2, lines 48).

Regarding **claim 2**, Phillips discloses that characterized in that said parameter data is transmitted from said wireless communication device (MS1-MS4) to the communication network in connection with registration of said wireless communication device (MS1-MS4) to the mobile communication network (PLMN) (column 3, lines 11 – column 4, lines 27).

Regarding **claim 3**, Phillips discloses that characterized in that said parameter data is transmitted from said wireless communication device (MS1-MS4) to the communication network prior to a call being set-up with said wireless communication device (MS1-MS4) (column 3, lines 11 – column 4, lines 8).

Regarding **claim 4**, Phillips discloses that characterized in that the parameter data is checked to determine if it is appropriate for the type of call during call set-up with said wireless communication device (MS1--MS4), wherein a call is not established if the parameter data is not appropriate for the type of call (column 3, lines 41 – column 4, lines 8).

Regarding **claim 6**, Phillips discloses that characterized in that the parameter data is transmitted to a mobile service switching center (MSC1) of the mobile communication network (PLMN), or a serving GPRS support node (SGSN) (column 2, lines 64 – column 3, lines 64).

Regarding **claim 13**, Phillips discloses that characterized a in that the parameter data transmitted from said wireless communication device (MS1-MS4) is stored at least in the mobile services switching center (MSC1) of the mobile communication network (PLMN) (column 2, lines 64 – column 3, lines 64).

Regarding **claim 14**, Phillips discloses that characterized in that the parameter data is stored temporarily in the mobile communication network (PLMN) (column 3, lines 11 – 28).

Regarding **claim 15**, Phillips discloses that characterized in that the wireless communication device (MS1-MS4, S3) is a mobile phone (column 3, lines 11 – column 4, lines 8).

Regarding **claim 16**, Phillips discloses that characterized in that the wireless communication device (MS1-MS4) is a Communicator (column 1, lines 10 – 44).

Regarding **claim 17**, Phillips discloses that characterized in that the wireless communication device (MS1-MS4) is a radio card (column 1, lines 10 – 44).

Regarding **claim 18**, Phillips discloses that characterized in that the parameter data contains information about the hardware properties of the wireless communication device (MS1-MS4) (column 1, lines 65 – column 2, lines 23).

Regarding **claim 19**, Phillips discloses that characterized in that the parameter data contains information about the software properties of the wireless communication device (MS1-MS4) (column 3, lines 41 – column 4, lines 27).

Regarding **claim 20**, Phillips discloses that characterized in that the parameter data contains information about the preferences of the user of the wireless communication device (MS1-MS4) (column 3, lines 36 – column 4, lines 27).

Regarding **claim 21**, Phillips discloses that characterized in that modification of the parameter data by the user of the wireless communication device (MS1-MS4) is prevented (column 3, lines 36 – 64).

Regarding **claim 22**, Phillips discloses that comprising steps for establishing a call for transmitting information from a first communication device (MS1-MS4) to a second communication device (MS1--MS4, S1, S2), characterized in that said second communication device is a wireless communication device (MS1MS4), and that the information is optimized for use by the second communication device, by using the parameter data (column 3, lines 65 – column 4, lines 27).

Regarding **claim 23**, Phillips discloses that comprising steps for performing communication between the communication network (PLMN) and another communication device (MS1-MS4, S1, S2), characterized in that the parameter data is transmitted to another communication device (MS1-MS4, S1, S2) (column 3, lines 11 – column 4, lines 27 and column 5, lines 4 – 35).

Regarding **claim 24**, Phillips discloses that a comprising steps for performing communication between the communication network (PLMN) and another communication network (PSTN, PDN), characterized in that the parameter data is transmitted to another communication network (PSTN, PDN) (column 2, lines 64 – column 3, lines 28 and column 4, lines 34 – column 5, lines 35).



Regarding **claim 25**, Phillips discloses that the information is transmitted from a first communication device (MS1) to a second communication device (MS2), characterized in that said second communication device is a wireless communication device (MS1-MS4), and that information to be transmitted is converted into a format suitable for the second wireless communication device (MS2) in the first communication device (MS1) (column 3, lines 56 – column 4, lines 27).

Regarding **claim 26**, Phillips discloses that where information is transmitted from a first communication device (MS1) to a second communication device (MS2), characterized in that said second communication device is a wireless communication device (MS1-MS4), and that information to be transmitted is converted into a format suitable for the second wireless communication device (MS2) in the communication network (PLMN) (column 3, lines 56 – column 4, lines 27).

Regarding **claim 27**, Phillips discloses all the limitation, as discussed claim 1. Furthermore, Phillips further discloses that means (5, 9) for storing parameter data representing said at least one property of the wireless communication device (MS1-MS4) (column 3, lines 11 – column 4, lines 27), and means (5, 12) for transmitting the parameter data from the wireless communication device (MS1--MS4) to said mobile communication network (PLMN) (column 3, lines 65 – column 4, lines 27).

Regarding **claim 28**, Phillips discloses all the limitation, as discussed claim 2.

Regarding **claim 29**, Phillips discloses all the limitation, as discussed claim 3.

Regarding **claim 37**, Phillips discloses all the limitation, as discussed claim 15.

Regarding **claim 38**, Phillips discloses all the limitation, as discussed claim 16.

Regarding **claim 39**, Phillips discloses all the limitation, as discussed claim 17.

Regarding **claim 40**, Phillips discloses all the limitation, as discussed claim 25.

Regarding **claim 41**, Phillips discloses all the limitation, as discussed claims 1 and 27.

Regarding **claim 42**, Phillips discloses all the limitation, as discussed claim 2.

Regarding **claim 43**, Phillips discloses that characterized in that it comprises means (ANT, 12) for transmitting said parameter data from said wireless communication device (MS1-MS4) to the communication network (PLMN) prior to a call being set-up with said communication network (PLMN) (column 3, lines 11 – column 4, lines 27).

Regarding **claim 44**, Phillips discloses all the limitation, as discussed claim 4.

Regarding **claim 47**, Phillips discloses all the limitation, as discussed claim 13.

Regarding **claim 48**, Phillips discloses all the limitation, as discussed claim 13.

Regarding **claim 49**, Phillips discloses comprising a register (GR), characterized in that the parameter data is stored in said register (GR) (column 3, lines 65 – column 4, lines 19).

Regarding **claim 50**, Phillips discloses all the limitation, as discussed claim 23.

Regarding **claim 51**, Phillips discloses all the limitation, as discussed claims 6 and 24.

Regarding **claim 52**, Phillips discloses all the limitation, as discussed claim 22.

Regarding **claim 53**, Phillips discloses all the limitation, as discussed claim 22.

Regarding **claim 54**, Phillips discloses all the limitation, as discussed claim 22.

Regarding **claim 55**, Phillips discloses all the limitation, as discussed claim 26.

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Regarding **claim 58**, Phillips discloses all the limitation, as discussed claim 1.

Regarding **claim 59**, Phillips discloses all the limitation, as discussed claims 27 and 56.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 5, 7-12, 30-36, and 45-46** are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips in view of Kuriki (US Patent number 5765105).

Regarding **claim 5**, Phillips discloses all the limitation, as discussed claim 3. However, Phillips does not specifically disclose the limitation “a handover”. However, Kuriki discloses “a handover” (column 3, lines 35 – 55). It would have been obvious to one having ordinary skill in the art at the time of Applicant's invention to provide the teaching of Kuriki to Phillips, because they both relate to mobile communication network, and propose the motivation to providing quality of reception signal in order to further improve controlling device of mobile communication system.

Regarding **claim 7**, Phillips discloses all the limitation, as discussed claim 3. However, Phillips does not specifically disclose the limitation “the parameter data is stored in the International Mobile Station Equipment Identity (IMEI)”. However, Kuriki discloses “the parameter data is stored in the International Mobile Station Equipment Identity (IMEI)” (abstract, column 3, lines 35 – 55, and column 4, lines 35 – 56). It would have been obvious to one having ordinary skill in the art at the time of Applicant’s invention to provide the teaching of Kuriki to Phillips, because they both relate to mobile communication network, and propose the motivation to providing plurality of data for mobile communication device in order to further improve informing and transferring connection between communication network and wireless device.

Regarding **claims 8 and 9**, Phillips and Kuriki disclose all the limitation, as discussed claim 3. However, Phillips does not specifically disclose the limitation “the length of said field is fixed and variable”. However, Kuriki discloses “the length of said field is fixed and variable” (column 2, lines 60 – column 3, lines 55). It would have been obvious to one having ordinary skill in the art at the time of Applicant’s invention to provide the teaching of Kuriki to Phillips, because they both relate to mobile communication network, and propose the motivation to providing variable services in order to further improve mobile service in communication system.

Regarding **claim 10**, Phillips and Kuriki disclose all the limitation, as discussed claim 3. However, Phillips does not specifically disclose the limitation

"IMEI is divided to a non-modifiable part and a modifiable part, and that at least part of the parameter data is stored in said modifiable part". However, Kuriki discloses "IMEI is divided to a non-modifiable part and a modifiable part, and that at least part of the parameter data is stored in said modifiable part" (column 10, lines 29 – column 11, lines 43). It would have been obvious to one having ordinary skill in the art at the time of Applicant's invention to provide the teaching of Kuriki to Phillips, because they both relate to mobile communication network, and propose the motivation to providing and adding variable services in order to further improve mobile service in communication system.

Regarding **claim 11**, Phillips and Kuriki disclose all the limitation, as discussed claims 2 and 7.

Regarding **claim 12**, Phillips and Kuriki disclose all the limitation, as discussed claim 10.

Regarding **claim 30**, Phillips discloses all the limitation, as discussed claim 5.

Regarding **claim 31**, Phillips discloses all the limitation, as discussed claim 7.

Regarding **claim 32**, Phillips discloses all the limitation, as discussed claim 8.

Regarding **claim 33**, Phillips discloses all the limitation, as discussed claim 9.

Regarding **claim 34**, Phillips discloses all the limitation, as discussed claim 10.

Regarding **claim 35**, Phillips discloses all the limitation, as discussed claim 11.

Regarding **claim 36**, Phillips discloses all the limitation, as discussed claim 12.

Regarding **claim 45**, Phillips discloses all the limitation, as discussed claim 5.

Regarding **claim 46**, Phillips discloses all the limitation, as discussed claim 7.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**Conclusion**

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-6606 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121  
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from  
the examiner should be directed to **John J. Lee** whose telephone number is  
**(703) 306-5936**. He can normally be reached Monday-Thursday and alternate  
Fridays from 8:30am-5:00 pm. If attempts to reach the examiner are  
unsuccessful, the examiner's supervisor, **Vivian Chin**, can be reached on **(703)**  
**308-6739**. Any inquiry of a general nature or relating to the status of this  
application should be directed to the Group receptionist whose telephone number  
is (703) 305-4700.

J.L  
March 12, 2002

John J Lee

  
**VIVIAN CHIN**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**